



PUBLIC NOTICE

Federal Communications Commission
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**WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES IT IS PREPARED TO
GRANT TWO 900 MHZ SPECIALIZED MOBILE RADIO SERVICE ("SMR") AUCTION
LICENSES TO TWO WAY RADIO OF CAROLINA, INC.
Second Down Payment Due on June 28, 2002**

Outstanding issues have been resolved concerning the applications of Two Way Radio of Carolina, Inc. ("Two Way Radio"), for licenses YSM006G and YSM006T to provide 900 MHz Specialized Mobile Radio ("SMR") service in the Charlotte, North Carolina Major Trading Area (MTA).¹ Two Way Radio was the winning bidder for those licenses in the 900 MHz SMR auction.² Accordingly, the Bureau is prepared to grant the applications for these licenses. Details concerning payment for the licenses are set forth below.

Second Down Payment

Two Way Radio has submitted its initial down payment of five percent of its winning bids in accordance with the Commission's rules. Within ten (10) days after the release of this Public Notice, Two Way Radio must submit its second down payment of five (5) percent of its winning bids.³ If Two Way Radio fails to submit its additional five (5) percent by **June 28, 2002**, it will be allowed to make payment within ten (10) business days after the payment deadline (*i.e.* by **July 15, 2002**), provided that it also pays a

¹ See In the Matter of Two Way Radio of Carolina, Inc., *Memorandum Opinion and Order*, 15 FCC Rcd. 11,442 (WTB 2000) (dismissing Two Way Radio's petition for reconsideration as repetitious); See In the Matter of Two Way Radio of Carolina, Inc., *Memorandum Opinion and Order*, 14 FCC Rcd. 12,035 (1999) (denying Two Way Radio's application for review).

² See "FCC Announces Winning Bidders in the Auction of 1,020 Licenses to Provide 900 MHz SMR Service in Major Trading Areas: Down Payments Due April 22, 1996, FCC Form 600s Due April 29, 1996," *Public Notice*, 11 FCC Rcd. 18,599 (1996).

³ Section 1.2110(g)(2) of the Commission's general competitive bidding rules requires a winning bidder eligible for installment payments to pay another ten percent of the high bid within ten (10) business days of the conditional grant of the license. 47 C.F.R. § 1.2110(g)(2). However, the competitive bidding rules for the 900 MHz SMR service limit the second down payment for licensees that qualify as a small business (which Two Way Radio does) to five percent of the net winning bid. See 47 C.F.R. § 90.811. Accordingly, Two Way Radio must pay as its second down payment only another five (5) percent of its winning bids.

late fee equal to five percent of the amount due.⁴ Finally, if Two Way Radio fails to meet the late payment deadline of **July 15, 2002**, it will be in default and subject to applicable default payments.⁵

Applicants that are in default are subject to default payments. Specifically, because a winning bidder is liable for the amount of its bid at the close of an auction, an entity in default will be assessed a default payment equal to the difference between its winning bid and the winning bid the next time the spectrum associated with the license is offered by the Commission. An additional default payment equal to three percent of the lesser of the subsequent winning bid or the defaulting applicant's winning bid also will be assessed.⁶

Installment Payments

Upon issuance of the grant public notice, Two Way Radio will receive an original note documenting the applicant's installment payment obligations, a security agreement commemorating the Commission's security interest in the license, and a financing statement (UCC-1). Instructions on completing, signing, and returning the documents will be included with the loan documents and the financing statement, upon issuance of the grant public notice for the licenses. Final grant of these licenses will be conditioned upon full and timely payment of all monies due.

Individual License Grants

Two Way Radio will receive copies of its individual MTA licenses following payment of the second down payment for each license and execution and return of the note, security agreement, and financing statement. These licenses will be conditioned upon the full and timely payment of all monies due pursuant to Sections 1.2110 and 90.812 of the Commission's Rules,⁷ and the terms of the Commission's installment plan as set forth in the note and security agreement executed by the licensee. Failure to comply with this condition will result in the automatic cancellation of the licenses.

Payment Instructions

Payment of the required amount by wire transfer must be received by 6:00 p.m. Eastern Time, **June 28, 2002** (or 6:00 p.m. Eastern Time **July 15, 2002**, along with the five (5) percent late fee). Sufficient time should be allowed for the wire transfer to be initiated and for the transmission to be completed prior to the deadline. All payments must be made in U.S. dollars, must be in the form of a wire transfer, and must be made payable to the "FCC." No personal checks or other forms of payment will be accepted. Payments must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159). On the FCC Form 159, Two Way Radio must use the same FCC Account Number associated with its FCC Form 175. The applicant must fax a completed FCC Remittance Advice Form (FCC Form 159) to Mellon Bank at (412) 209-6045 at least one hour prior to placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, the applicant should write "Wire Transfer - Auction Down Payment for Auction Event #7." To submit funds by wire transfer, the following information is provided:

MAKING INSTALLMENT PAYMENTS BY WIRE TRANSFER:

⁴ See 47 C.F.R. § 1.2110.

⁵ See 47 C.F.R. § 1.2104.

⁶ See 47 C.F.R. §§ 1.2110, 1.2104(g).

⁷ See 47 C.F.R. § 90.812 (1996).

ABA ROUTING NUMBER: 043000261
RECEIVING BANK: Mellon Pittsburgh
BNF: FCC/AC-911-6106
OBI Field: (Skip one space between each information item)
"AUCTION PAY"
FCC REGISTRATION # (FRN) (FCC Form 159, Block 21)
PAYOR NAME: (FCC Form 159, Block 2)
LOCKBOX NO.: (FCC Form 159, Block 1: "358850")

***Note:** Wire Transfers can be accepted Monday – Friday until 6:00 PM, ET.*

Questions concerning the calculation and submission of payments should be directed to Gail Glasser at (202) 418-0578.

Further Information Contact:

News Media:	Meribeth McCarrick at (202) 418-0500
Payment Questions:	Gail Glasser at (202) 418-0578
Legal Questions:	Amal Abdallah at (202) 418-7307
Loan Documents:	Rita Cookmeyer at (202) 418-0434

This Public Notice contains the following Attachments:

Attachment A: List of Applications the Wireless Telecommunications Bureau is Prepared to Grant

Attachment B: Instructions for Searching for Applications Listed in Attachment A using ULS.

Attachment C: Instructions for Accessing the FCC Network Using Windows 95/98.